

5486. Adulteration of tomatoes. U. S. * * * v. 600 Cases * * * of Tomatoes. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8177. L. S. No. 8706-m. S. No. E-825.)

On March 17, 1917, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 600 cases each containing 24 cans of 2 pounds each of tomatoes labeled in part: "Booth's Tomatoes, Oval Brand, * * * Booth Packing Co., Baltimore Md., U. S. A. Distributors," remaining unsold in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped on or about November 7, 1916, by the Booth Packing Co., Baltimore, Md., and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that added water had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article.

On May 18, 1917, the said Booth Packing Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*